

# **EXHIBIT 12**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHER DISTRICT OF GEORGIA  
ATLANTA DIVISION

TASER INTERNATIONAL, INC., et al. )  
)  
Plaintiffs, )  
)  
vs. ) CIVIL ACTION  
) FILE NO.:  
) 1:10-CV-03108-JOF  
MORGAN STANLEY & CO., INC., et al. )  
)  
Defendants. )

VIDEOTAPED DEPOSITION OF  
ROBERT M. BAKER, M.D.  
OCTOBER 13, 2010  
9:30 A.M.

BONDURANT, MIXSON & ELMORE  
1201 WEST PEACHTREE STREET, NW  
SUITE 3900  
ATLANTA, GEORGIA

CONTAINS CONFIDENTIAL PORTIONS  
PURSUANT TO PROTECTIVE ORDER

REPORTED BY:  
STEVEN S. HUSEBY, RPR  
CCR-B-1372

122			124		
1	MR. ELIAS: Sure.	11:31:59	1	deposition. But, again, this will be	12:20:12
2	MR. JEWELL: Thanks.	11:32:00	2	something we can --	12:20:14
3	MR. ELIAS: We can go off the	11:32:05	3	MR. ELIAS: Yeah, and there's no	12:20:14
4	record.	11:32:06	4	need to argue about this. I will just note	12:20:16
5	THE VIDEOGRAPHER: This is the end	11:32:06	5	for the record that under the Federal Rules we	12:20:18
6	of Tape Number One in the deposition of	11:32:09	6	do not think that the discovery period for	12:20:20
7	Robert M. Baker, M.D. The time is 11:32 a.m.	11:32:11	7	Merrill Lynch Professional Clearing	12:20:22
8	We're now off the record.	11:32:15	8	Corporation has begun. Merrill Lynch	12:20:24
9	(Lunch recess.)	12:18:36	9	Professional Clearing Corporation has not yet	12:20:28
10	THE VIDEOGRAPHER: This is the	12:18:36	10	answered the complaint, and we also reserve	12:20:29
11	beginning of Tape Number Two in the deposition	12:18:37	11	the right on behalf of -- Merrill Lynch	12:20:33
12	of Robert M. Baker, M.D. The time is 12:18	12:18:39	12	Professional Clearing Corporation will have	12:20:38
13	p.m. We are now on the record.	12:18:43	13	whatever rights it has under the Federal	12:20:39
14	MR. JEWELL: Brad, before you	12:18:46	14	Rules.	12:20:41
15	start with your next question I went back, and	12:18:47	15	MR. JEWELL: Okay.	12:20:41
16	I have to apologize, I have a head cold today,	12:18:50	16	BY MR. ELIAS:	12:20:41
17	you said something prior to the witness being	12:18:53	17	Q. Okay. Dr. Baker, we are going to move	12:20:50
18	sworn and before the first question was asked	12:18:56	18	to your next account statement, which we are	12:20:53
19	that Merrill Lynch Professional Clearing	12:18:58	19	going to mark Baker R Exhibit 125. It is a	12:20:55
20	Corporation was not making an appearance at	12:19:02	20	GMS Group account statement covering the	12:20:59
21	this deposition. By my silence or no comment	12:19:04	21	period August 30th, 2003, through	12:21:01
22	I didn't want to be interpreted as us	12:19:07	22	September 26th, 2003. It bears Bates number	12:21:04
23	acquiescing or consenting to that position.	12:19:10	23	TSR-BAKER-31 through TSR-BAKERR-43.	12:21:07
24	We disagree.	12:19:12	24	(Exhibit Number 125	12:21:13
25	It's our position that you, your firm and	12:19:13	25	marked for identification.)	12:21:29
123			125		
1	other members of your firm do represent	12:19:16	1	Q. Dr. Baker, do you recognize this	12:21:29
2	Merrill Lynch Professional Clearing	12:19:18	2	document?	12:21:31
3	Corporation, and that's a matter that I'm not	12:19:20	3	A. Yes.	12:21:32
4	going to debate it with you now. We'll just	12:19:21	4	Q. Was this document produced by GMS	12:21:33
5	leave it to the Court.	12:19:24	5	Group on your behalf in this litigation?	12:21:35
6	MR. ELIAS: And I just want to add	12:19:25	6	A. Yes.	12:21:37
7	that we have not -- O'Melveny & Myers, LLP has	12:19:26	7	Q. Please direct your attention to the	12:21:40
8	not made an appearance in this action on	12:19:28	8	second page of the document. You'll see a	12:21:41
9	behalf of Merrill Lynch Professional Clearing	12:19:31	9	series of purchases in TASER International,	12:21:46
10	Corporation, and we are not appearing here	12:19:33	10	some of which are marked solicited and some of	12:21:50
11	today on behalf of Merrill Lynch Professional	12:19:35	11	which are marked solicited order.	12:21:53
12	Clearing Corporation.	12:19:40	12	Did you instruct your brother to purchase	12:21:56
13	MR. JEWELL: I understand, but	12:19:40	13	any of these shares on your behalf?	12:21:58
14	after the witness was sworn in we basically	12:19:41	14	A. He was my accountant and, you know, we	12:22:00
15	agreed that the initial stipulations would	12:19:44	15	agreed a long time ago to do that, yeah, he	12:22:02
16	apply to this deposition, those applied in the	12:19:46	16	can purchase.	12:22:06
17	past, and one of them is we're only producing	12:19:50	17	MR. JEWELL: Accountant, your	12:22:06
18	this guy one time for a deposition. Everyone	12:19:53	18	brother was your accountant?	12:22:08
19	had notice of the deposition, everyone had an	12:19:55	19	THE WITNESS: No, he's the -- he's	12:22:09
20	ability to participate in this deposition, and	12:19:58	20	my brother and he was handling my account and	12:22:11
21	subject to your ability to recall him because	12:19:59	21	he had been given authority a long time	12:22:13
22	of a lack of a document being produced, which	12:20:02	22	before.	12:22:16
23	we understand, we're not going to simply	12:20:05	23	MR. JEWELL: Sorry, Brad.	12:22:16
24	volunteer him because a particular defendant	12:20:07	24	MR. ELIAS: No, I understand.	12:22:18
25	decided not to make an appearance at this	12:20:10	25	BY MR. ELIAS:	12:22:18

32 (Pages 122 to 125)